Leave Administration

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HOURS OF DUTY

- 80 hours per two week pay period
- Work schedules/ changes made by Adjutant General in conjunction with local union(s)
- Typically (but subject to exceptions):
  - ~Rest breaks - Paid; part of workday
  - ~Lunch breaks – Not paid
  - ~ “Make-ready”/Clean up –paid; part of workday
  - ~ Changing/showering –not paid

TYPES OF LEAVE

- Annual Leave
- Sick Leave
- Court Leave
- Excused/ Administrative Leave
- Leave Without Pay (LWOP)
- Military Leave
- Law Enforcement Leave
- Compensatory Time
- Enforced Leave
- Absence Without Leave (AWOL)

ANNUAL LEAVE

Accrual Rates: full-time permanent technicians and temporary employees on appointments of greater than 90 days

- 1-3 years: 4hrs/pay period
- 3-15 years: 6 hrs/pay period
- 15+ years: 8 hrs/pay

ANNUAL LEAVE

Some criteria/rules:

- Service computation date (SCD) determines leave category
- Maximum annual carryover – 240 hrs
- Separated employees may be paid lump sum for unused

Advanced Annual Leave

- May be advanced.
- Is a timecard action
- Approved at the supervisory level.

**The amount of annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year.

Restoration of Annual Leave

Annual leave in excess of annual leave ceilings may be restored to a technician's leave account for the following three reasons **ONLY:**

1. **Administrative Error**
   - Determined by agency
2. **Exigency of the Public Business**
   - an urgent need for the employee to be at work—is of major importance and that excess annual leave cannot be used
3. **Sickness**
   - The employing agency determines that the annual leave was forfeited because of a period of absence due to an employee's sickness or injury that occurred late in the leave year or was of such duration that the excess annual leave could not be rescheduled for use before the end of the leave year.

Restoration of Annual Leave

Before forfeited annual leave may be considered for restoration and IAW 5 CFR 630.308:

Annual leave must have been

Requested, Approved, and Scheduled

in writing before the start of the third bi-weekly pay period to the end of the leave year.

Restoration of Annual Leave

- Only Annual leave may be restored.
- Request memo must be submitted with justification from the employee, through the supervisor, to the **Adjutant General** for approval
- Leave is restored to a separate leave account
- Restored leave must be used 2 years from date of reinstatement

SICK LEAVE

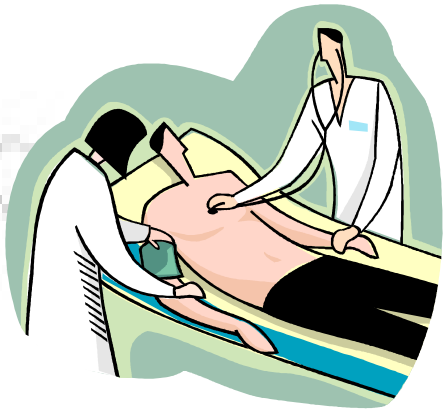
Accrual rates

- All full-time and temporaries employed over 90 days: 4 hrs/pay period

SICK LEAVE

Covers

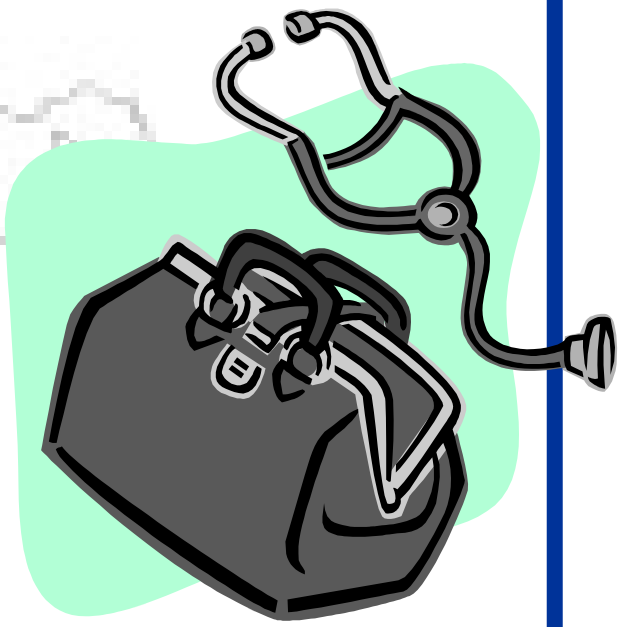
- Medical, dental, optical exams/treatments
- Personal incapacitation
- Health risk
- Family care (Limited – under FMLA/FFLA)
- Bereavement/Family funeral (Limited – FMLA/FFLA)
- Adoption (Limited – FMLA/FFLA)



SICK LEAVE

Some criteria/rules:

- Unlimited carryover balance
- May be advanced
- Medical certification is required
- May use while on Annual Leave



Advanced Sick Leave

- A maximum of 240 hours of sick leave can be advanced to a permanent technician for the following reasons:
  - Employee with a **serious medical emergency**
  - Purposes related to adoption of a child
  - For family care or bereavement purposes
  - To care for a family member with a serious health condition

Advanced Sick Leave

- Request must be submitted to the HRO for approval
- Supportive medical documentation must be provided
- Supervisor must have reasonable assurance that employee will return to repay the balance advanced

FMLA

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)

- Entitles Federal employees a total of up to 12 work weeks of UNPAID leave during any 12 month period which may be used for:
  - Birth
  - Adoption
  - Care of a family member with a serious health condition
  - Serious health condition of employee
  - Effective June 2, 2010, definition of family member now includes same-sex domestic partners as defined in an OPM memorandum dated 2 JUN 2010

FMLA

- All employees are eligible to use leave under the provisions of the Family Medical Leave Act (FMLA) except:
  - intermittent employees and
  - employees serving under a temporary appointment with a time limitation of one year or less.
- The employee must have completed at least 12 months of civilian service with the Federal Government (not required to be 12 recent or consecutive months).

FMLA

Granting leave under FMLA

Employees shall be entitled to a total of 12 administrative workweeks of unpaid leave (LWOP) during any 12-month period for one or more of the following reasons:

a. Birth of son or daughter and care of the newborn.

b. Placement of son or daughter for adoption or foster care (within one year after placement).

c. Care for spouse, child, or parent with a serious health condition.

d. A serious health condition that renders the employee unable to perform the essential functions of their position. In addition, a serious health condition must require continuing treatment by, or under the supervision of a health care provider.

FMLA

- An employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as is practicable.
- An agency may request medical certification for FMLA leave taken to care for an employee's spouse, son, daughter, or parent who has a serious health condition or for the serious health condition of the employee.

Serious Health Condition

- Illness, impairment, physical, or mental condition that results in incapacity, treatment, or continuing treatment
  - Incapacity in connection with an overnight hospital stay, hospice, or residential treatment facility
  - Incapacity resulting in family member absence from work school, etc. in excess of 3 days
  - Continuing treatment for chronic, long-term, or incurable. This includes Pre-natal care
  - Childbirth is included for both parents for the medical period of incapacitation (typically 6 weeks)

FMLA

- Certification of Health Care Provider for Employee's Serious Health Condition
  - Form WH-380-E
- Certification of Health Care Provider for Family Member's Serious Health Condition
  - Form WH-380-F

FMLA Expansion: Military Caregiver Leave

- Eligible employees are entitled to up to 26 workweeks of leave during a "single 12-month period" to care for a covered service member with a "serious injury or illness."

- To be eligible you must be the spouse, son, daughter, parent or "next of kin" of a covered service member.

- Serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty.

FMLA Expansion: Military Exigency Leave and Military Caregiver Leave

NDAA 2008 Changes

- The spouse, parent, son, or daughter of a service member in the National Guard or Reserves who is on active duty or call to active duty status can take FMLA leave for the following military exigencies:
  - Short notice deployment
  - Military events and activities
  - Childcare and school arrangements
  - Financial and legal arrangements
  - Military Counseling
  - Rest and recuperation
  - Post-deployment activities
  - Additional activities

NDAA 2010 Changes

- Definition expanded to include to the spouse, parent, son, or daughter of a service member in the Regular Armed Forces who is deployed to a foreign country.

Family Friendly Leave Act

- Entitles permanent, indefinite, and temporary technicians to use sick leave to care for family member for circumstances as follows:
  - Physical or Mental Illness
  - Injury
  - Pregnancy
  - Childbirth
  - Accompany family member to medical dental or optical appointment
  - Arrange or attend a funeral
- Minimum 40 hours, up to a maximum of 104 hours (13 days)
- Ensures that a reasonable amount of sick leave is available for the technician's own injury/illness if needed
- Approval of use under this act is designated to the First Line Supervisor

Family Friendly Leave Act

- "Family" is defined as the following relatives of the technician:
  - Spouse, parents and grandparents thereof
  - Children including Step-Children, adopted children, and spouses thereof
  - Parents
  - Grandparents
  - Siblings and spouses thereof
  - Grandchildren
  - An individual, related by blood or affinity, whose association is the equivalent of a family relationship

Q & A

How many hours of leave can employees use for Family Friendly Leave?

Answer: Full time employees may use up to 40 hours of sick leave each leave year. An additional 64 hours may be used as long as the employee maintains a balance of at least 80 hours of sick leave hours.

VOLUNTARY LEAVE TRANSFER PROGRAM

- Available to Permanent and Indefinite technicians only
- Enables other WVNG technicians to donate their annual leave to employees who have exhausted their annual and sick leave for both medical and family medical emergencies
- Leave recipient must apply on OF 630 and include supportive documentation
- Must have a **ZERO** balance
- Leave is Donated on OF 630-A

VOLUNTARY LEAVE TRANSFER PROGRAM

- Permits Federal employees to donate **annual leave** for the use of other Federal employees in ***medical or family medical emergency situations***:

  a. Annual leave only may be donated.

  b. In any one-leave year, a leave donor is limited to the amount of hours they may donate as outlined in 5 CFR 630.908.

  c. Any transferred annual leave remaining to the credit of the leave recipient when the medical emergency terminates, shall be restored to the leave donor(s) on a pro-rated basis to the extent administratively feasible IAW 5 CFR 630.911

COURT LEAVE

5 USC 6322(a)

Covers an employee who is summoned due to a judicial proceeding, as a…

- Juror
- Witness on behalf of a state or local government

EXCUSED ABSENCE

- Commonly referred to as Administrative Leave
- Authorized absence for a variety of personal and other non-technician duty reasons
- Supervisor can excuse absence of one hour or less
- TAG may grant up to 3-days per CY

EXCUSED ABSENCE AND ADMINISTRATIVE LEAVE

- **The term “excused absence” is used interchangeably with the term “administrative leave.” Both refer to a technician’s authorized absence from work, with approval, without a charge to annual leave or sick leave.**

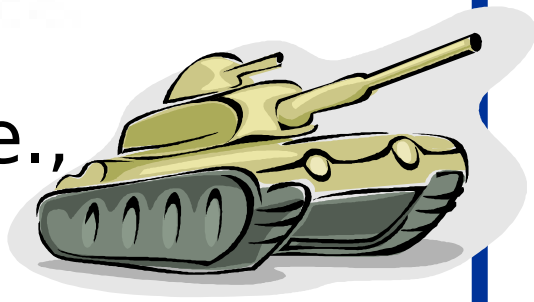
- **Excused Absence normally will address INDIVIDUAL employees and can be approved by the supervisor for up to one hour, or for the following purposes:**

  - Blood Donation
  - Voting/Voter Registration
  - Physical Examinations
  - Funeral
  - Ceremonies and Official Functions
  - Special Events

- The Adjutant General may approved up to 3 days per calendar year.

MILITARY LEAVE

- Granted to all permanent and indefinite employees
- Earn 120 hours per fiscal year
- May carry over 120 hours for a total of 240 maximum
- Charged in hourly increments, i.e.,
  - Performing one UTA - 4 hours is charged
  - Performing two UTAs - 8 hours is charged
  - One day of ADSW/AT/ADT – scheduled hours charged
  - If less than a whole day is in military status, employee must revert to technician status or take some other form of leave for the remainder of the day



MILITARY LEAVE

- Military Leave is not charged on intervening non-workdays
- Military Leave can be combined with other types of leave, i.e., Annual, Comp, LWOP
- Military Orders and Performance Certificate required to be submitted with Time and Attendance card
- **Military Leave cannot be used while in State Active Duty status (unless ordered by the President or Sec of Defense)**

LAW ENFORCEMENT LEAVE

5 U.S.C 6323 (b) & PL 108-136 Dated 24 NOV 2003

- Permanent and indefinite employees only
- 22 days per calendar year; charged in hours
- LEL is NOT dual compensation leave. Technicians are NOT authorized to retain both military and civilian pay.
- Paid leave for aid in law enforcement (under Title 10), full-time military service, or state emergencies
- Non-workdays/holidays not charged
- No excused absences

Military leave under 5 USC 6323 (d) 44 days (352 hours)

- Military technicians are entitled to 44 additional workdays of military leave in a calendar year when on **active duty without pay** for participation in operations outside the United States, its Territories, and Possessions.
- The active duty order must cite 10 USC 12315, 12301(b), or 12301(d) to be eligible for this entitlement.
- **Technicians must be in a Title 10 status and non-pay military status**; however, the member will receive one military retirement point for each duty day served.
- While in this status, the technician continues to receive his or her technician pay and benefits. The 44 workdays are converted into hours and are charged on the same basis as annual leave.

Presidential Leave

- 5 days of paid leave for Federal Civilian Employees who return from active service in support of the Global War On Terrorism(GWOT)
  - Both CONUS and OCONUS duty
- Intended to aid in the readjustment to civilian life.
- Qualifications: Must be on active duty for a minimum of 42 consecutive days in support of GWOT
- MAY NOT BE STOCKPILED for use at a later date. The employee must notify the supervisor of their intent to return to work. Supervisor must then grant Presidential Leave the first 5 consecutive days (excluding weekends and holidays) that the employee would have returned to work.
- Can be granted after each activation provided that a 12 month break exists between uses (as modified by CPM-2008-12)
- Is authorized for use for CONUS military duty done in support of GWOT

State Active Duty (SAD)

Military technicians who are required to perform State Active Duty (SAD) may elect any of the following types of leave to cover their absence:

- annual leave
- LWOP
- compensatory time
- 22 days leave provided under 5 USC 6323 (b)

*Under no circumstances will a technician use the 120 hours of military leave under 5 USC 6323(a), sick leave, or excused absence (administrative leave) to perform SAD.

**There is no charge of leave when SAD is performed on non-workdays or holidays.

State Active Duty (SAD)

Dual compensation rules dictate that any technician who performs SAD be required to take a full day of leave for each day of such service, even if the SAD functions are performed after the normal technician working hours.

* The only exception to this requirement occurs when the technician first learns of the necessity to perform SAD during a workday. In this circumstance, the technician will be required to take leave only for the hours absent from work for the remainder of that day. The technician will be required to take a full day of leave for each subsequent day of SAD.

LEAVE WITHOUT PAY (LWOP)

- **Not a right but is an APPROVED temporary absence from duty in a non-paid status.**
- **LWOP in excess of 30 days requires a Personnel Action which must be submitted to the HRO via an SF52 (request for personnel action) This request should be submitted prior to, or within one pay period after the proposed LWOP date.**
- **NOTIFICATION is KEY!!!! Lack of notification to the HRO could result in negative impact on benefits**
- **80 hours accumulated LWOP affect the employee's Annual and Sick Leave accrual within that pay period**
- **Service Computation Date (SCD) – Leave must be recomputed when an employee returns to duty from an aggregate LWOP of more than six months in a calendar year**
- **The FMLA entitles an employee to 12 weeks of LWOP but a supervisor may approve LWOP not to exceed one year depending on circumstances**

LWOP is NOT intended for:

- Pursuing other employment. Examples include:
  - Second Job
  - Collegiate Internships
  - Overseas contract positions

LWOP and Timecard Coding

- Inaccurate timecard coding for LWOP can adversely affect a technician's pay.
- **KG**-Code used for any non-paid absence from work which is covered by a military order. This code IAW USERRA law, allows for nonpaid time with no adverse effect. All increases and entitlements continue as if an employee were present for duty.
- **KA**-Code used for non-paid absence from work which is for personal reasons, or due to lack of leave
  - Accumulation of nonpay hours coded KA can delay the step increase of an employee. See 5 CFR (?) for limits and time of delay.

COMPENSATORY TIME EARNED

- Time off with pay, in lieu of overtime pay
- Earned at a rate of 1 hour for 1 hour and used in increments determined by local policy
- **Advance approval required**
- Use within 26 pay periods of earning or forfeit
- Compensatory time should be taken before annual leave, except in those instances where forfeiture of annual leave will occur.

COMPENSATORY TIME FOR TRAVEL

- Compensation time off for travel is earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.
- Travel must be officially authorized and for work purposes and must be approved by an authorized agency official.

COMPENSATORY TIME FOR TRAVEL

SEE HRO BULLETIN ON
COMP TIME FOR TRAVEL

Forfeiture of Compensatory Time

- Technicians are not entitled to receive a lump sum payment for accumulated compensatory time upon separation from Federal employment.
- All Compensatory time is forfeited upon separation.

ENFORCED LEAVE

Temporary status to document absences for employees…

- Who are not ready, willing and able to perform
- Whose continued presence is undesirable or poses a threat

ABSENCE WITHOUT LEAVE (AWOL)

- Without supervisor's prior knowledge/approval
- Status can change with explanation
- AWOL status NOT a disciplinary action but an unapproved leave status (may be changed)
- Can become the basis for initiating an adverse action

RECORD KEEPING REQUIREMENTS

Time Cards: leave recorded sequentially (copies filed at unit)

Military Leave: copy of orders/certificate of performance (ARNG Only)

Court Duty: Letter from court

LWOP: Letter of request or Signed OPM Form 71

Compensatory Time: Documented NGB 46-14

TIMEKEEPER'S RESPONSIBILITIES

- Record leave/absences
- Prepare input for Pay Office
- Submit schedule changes
- Submit time cards to pay office

SUPERVISOR'S RESPONSIBILITIES

- Approve leave
- Certify time cards, if not official timekeeper
- Certify changes/corrections

Vaccines while in technician status

- A technician cannot receive vaccinations , either voluntarily or directive while in a regular technician status. (NGB Memorandum TN 07-12)
- Technicians should be administered vaccinations in an inactive duty or active military status.

References and Links

- OPM Leave Fact Sheets: http://www.opm.gov/oca/leave/HTML/factindx.asp
- Leave Regulation: TPR 630 Dated August 27, 2010

Questions